



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/427,114      | 10/26/1999  | MITSURU OBARA        | 009683-353          | 2737             |

21839 7590 04/14/2003

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA, VA 22313-1404

EXAMINER

MEONSKE, TONIA L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2183

DATE MAILED: 04/14/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

7

## Office Action Summary

Application No.

09/427,114

Applicant(s)

OBARA ET AL.

Examiner

Tonia L Meonske

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orimo et al., U.S. Patent Number 5,630,135, in view of Tanenbaum, Distributed Operating Systems, 1995, cited as prior art references in the last office action, paper number 5, mailed on March 27, 2002.
3. The rejections under 35 USC 103(a) are respectfully maintained and incorporated by reference as set forth in the last office action, paper number 5, mailed on March 27, 2002.

### *Response to Arguments*

4. Applicant's arguments filed January 28, 2003 have been fully considered but they are not persuasive.
5. On page 5 Applicant argues in essence:

*"Thus, nothing in Orimo et al. shows, teaches, or suggests processors executing different types of processing as claimed in claim 1 and 11."*

However, Applicant is directed to column 1, lines 17-26 in Orimo et al.. Orimo et al. has in fact taught multi-version processing whereby in one version an event is processed having a low calculation precision and a short calculation time, and in another version of the program the same event is processed with a high calculation precision and a long calculation time. Low precision processing is a different type of processing than high

precision processing. Therefore, Orimo et al. has in fact taught executing different types of processing, i.e high and low precision processing, as claimed in claim 1 and 11.

6. On page 5 Applicant argues in essence:

*“Thus, nothing in Orimo et al. shows, teaches, or suggests state information representing the processing to be performed next as claimed in claim 1 and 11. Rather, Orimo et al. merely discloses messages storing information about the processing already performed”*

However, Applicant is directed to column 6, lines 23-43 and Figure 7. A message is stored in a line of the discrimination buffer in step 603, and later on the message line of the program is executed next in step 609. Therefore Orimo et al. has in fact taught state information representing the processing to be performed next as claimed in claim 1 and 11 (column 6, lines 23-43 and Figure 7).

7. On page 6 Applicant argues in essence:

*“Nothing in Tannenbaum shows, teaches or suggests a) executing different processing or b) state information representing the processing to be next performed as claimed in claims 1 and 11.”*

However, Tanenbaum was not cited for teaching a) executing different processing or b) state information representing the processing to be next performed as claimed in claims 1 and 11. Therefore the fact that Tanenbaum has not taught the limitations in a) or b) is not relevant to the rejection, because Orimo et al. has taught these features, see above arguments and column 1, lines 17-26, column 6, lines 23-43 and Figure 7.

8. On page 6 Applicant argues in essence:

*“Nothing in the combination shows, teaches or suggests a) processors executing different types of processing or b) state information representing processing to be performed next as claimed in claims 1 and 11.”*

Art Unit: 2183

However, Orimo et al. has in fact taught a) processors executing different types of processing (column 1, lines 17-26, see arguments above) and b) state information representing processing to be performed next (column 6, lines 23-43 and Figure 7, see argument above) as claimed in claims 1 and 11.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (703) 305-3993. The examiner can normally be reached on Monday-Friday, 9-6:30, with every other Friday off.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (703) 305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tlm  
April, 8, 2003

